

11:39 am, Nov 03 2021

AT BALTIMORE  
CLERK, U.S. DISTRICT COURT  
DISTRICT OF MARYLAND  
BY \_\_\_\_\_ Deputy**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND****IN THE MATTER OF THE AFFIDAVIT IN  
SUPPORT OF A SEARCH WARRANT  
AUTHORIZING A DNA SAMPLE  
COLLECTION FROM DAVIN JOHNSON**Case No. 1:21-mj-2961 TMD**AFFIDAVIT IN SUPPORT OF  
APPLICATION FOR A SEARCH WARRANT**

I, Jeffrey Kelly, a Special Agent with the Federal Bureau of Investigation ("FBI"), being duly sworn, depose and state as follows:

**INTRODUCTION**

1. The FBI has been investigating Davin JOHNSON for a violation of 18 U.S.C. § 922(g) (possession of a firearm by a prohibited person). This affidavit is being submitted in support of an application for a search warrant pursuant to Federal Rule of Criminal Procedure 41 to obtain samples of Deoxyribonucleic Acid ("DNA") for comparison purposes in the form saliva from Davin JOHNSON, a man born in 2001, and assigned a Maryland State Identification number 4594639. A photograph of JOHNSON is attached as Attachment A. I anticipate that JOHNSON will be held at the Chesapeake Detention Facility following his initial appearance in federal court on or about October 27, 2021. *See* LKG-21-397. The warrant would authorize members of the FBI, or their authorized representatives, to obtain DNA contained within saliva samples from JOHNSON, as described in Attachment B.

2. I submit this affidavit for the limited purpose of securing the requested warrant. I have not included details of every aspect of this investigation to date. Rather, I have set forth only those facts that I believe are necessary to establish probable cause supporting the warrant. I have

not, however, intentionally omitted information that would tend to defeat a determination of probable cause.

3. I believe that probable cause exists that JOHNSON possessed a firearm in violation of 18 U.S.C. § 922(g) on February 2, 2021. Therefore, I respectfully request that this Court find probable cause that evidence of the criminal violation is contained in the form of DNA in saliva in the possession of JOHNSON.

#### **AFFIANT BACKGROUND**

4. I am a Special Agent with the Federal Bureau of Investigation. As such, I am investigative or law enforcement officer of the United States within the meaning of 18 U.S.C. § 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in 18 U.S.C. § 2516.

5. I am a duly sworn member of the FBI and have been so employed since September 4, 2016. On September 16, 2018, I became a Special Agent and have been assigned to the Baltimore Division of the FBI, Safe Streets Task Force, in Baltimore, Maryland. I have actively participated in investigations of criminal activity, including but not limited to investigations of various violent crimes and drug distribution cases. During these investigations, I have participated in the execution of search warrants and the seizure of evidence. These investigations have resulted in the arrest and conviction of individuals responsible for committing these crimes. I have conducted or participated in wiretap investigations, surveillances, the execution of search warrants, the recovery of substantial quantities of narcotics and narcotics paraphernalia, the recovery of evidence related to homicides and other violent acts, and the debriefing of witnesses. I have also reviewed taped conversations, as well as documents and other records relating to narcotics trafficking, firearms offenses, and homicides.

6. I have interviewed confidential informants, cooperating witnesses, street-level and mid-level narcotics distributors/traffickers, narcotics users, and members of violent street gangs. These interviews provided me with insight into patterns and methods commonly used by drug trafficking organizations and street gangs, including counter-surveillance techniques used by drug trafficking organizations and street gangs to avoid detection by law enforcement, and the various ways the organizations and gangs communicate with each other. Further, I am familiar with the ways in which individuals involved in narcotics trafficking organizations and street gangs used violence and firearms to protect themselves and their drug operation, retaliate against rivals, eliminate witnesses, and impose discipline within the organization.

7. I am familiar with firearm and narcotic statutes, and the methods employed by those who perpetrate these acts. I know based on my training, knowledge, and experience that DNA can be found on items such as clothing and firearms and can be compared to a sample of DNA from a known person. This comparison can help identify or eliminate suspects. I further know that the Baltimore City Police Department (“BPD”) Forensics lab will not test firearms for the presence of DNA (or do any subsequent comparison) without a standard to which it can be compared.

### **PROBABLE CAUSE**

8. On February 2, 2021, members of BPD’s Southwest District Action Team (DAT) were monitoring Instagram social media accounts and observed JOHNSON live streaming from the account “twgmanman”<sup>1</sup>. During the live stream, JOHNSON possessed and manipulated a firearm. The DAT team could determine from where JOHNSON streamed the feed based on buildings they recognized in the background.

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<sup>1</sup> On August 16, 2021, the Honorable Judge Thomas DiGirolamo signed a search and seizure warrant for the content of this Instagram account.

9. The DAT team drove to towards the 400 block of Bentalou Street while continuing to monitor the live stream of JOHNSON on his Instagram account. While team traveled south bound on Bentalou Street, they observed JOHNSON sitting in the front passenger seat of the black Honda, bearing Texas buyer tag 98286T1, parked on the eastside of the street facing southbound with a black male in the driver seat.

10. DAT team stopped and approached the Honda. They ordered JOHNSON and the male in the driver seat to show their hands and open the door. The DAT team conducted a pat down of JOHNSON when they removed JOHNSON from the vehicle. They recovered a gray and black Glock 49, 9mm bearing serial number BLWD972, inside of his left jacket pocket, along with suspected marijuana and cocaine. The firearm contained a live 9mm round in the chamber of the and 10 live 9mm rounds inside the magazine. I believe the recovered gun is substantially similar, if not the same gun, JOHNSON held during the Instagram live stream.

11. The DAT team arrested JOHNSON on scene and transported him to the Southwest Police District.

12. The firearm was test-fired at the BPD Firearms lab on February 11, 2021 and expelled a projectile by the action of an explosive, and therefore qualifies as a firearm under 18 U.S.C. § 921(a)(3). Investigators involved in the investigation spoke with an Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) Nexis Expert who determined that the firearm was not manufactured in Maryland, so that when it was recovered during JOHNSON’s arrest in Maryland the gun affected interstate commerce.

13. I know based on a review of JOHNSON’s criminal record that prior to the events outlined in this affidavit, JOHNSON was convicted of a crime that carried over a year of possible incarceration. Moreover, JOHNSON signed a probation order as to this conviction acknowledging

that he had been convicted of a crime that carries a punishment of over a year in prison and is prohibited from possessing a firearm and/or ammunition regulated for a firearm.

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10/27/2021 14 13. The BPD Forensics Lab swabbed and analyzed the handgun for DNA. The swabs cannot be forwarded for DNA analysis until a standard for a suspect is obtained and a comparison is requested.

### DNA AUTHORIZATION REQUEST

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10/27/2021 15 14. Based on my training and experience, I believe that JOHNSON's DNA will be on the firearm recovered during his arrest. A known a sample of his DNA is required to test and compare any and all DNA recovered. Accordingly, I am requesting authorization for a warrant to obtain samples of DNA for comparison purposes in the form of saliva from JOHNSON to compare to the swabs taken from the firearm that I believe was possessed by JOHNSON in violation of 18 U.S.C. § 922(g), felon in possession of a firearm.

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10/27/2021 16 15. Further, I respectfully request that the Court issue a warrant authorizing members of the FBI, or their authorized representatives, including but not limited to other law enforcement agents, to obtain DNA samples from JOHNSON so that the DNA sample may be compared to the swabs taken from evidence recovered in this case.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

  
Special Agent Jeffrey Kelly  
Federal Bureau of Investigation

Affidavit submitted by email and attested to me as true and accurate by telephone consistent with Fed. R. Crim. P. 4.1 and 41(d)(3) this 27 day of October 2021.



1:21-mj-2961 TMD

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The Honorable Thomas M. DiGirolamo  
United States Magistrate Judge

**ATTACHMENT A**

**Photograph of Person to be Searched**

Davin JOHNSON  
YOB: 2001  
Maryland State Identification Number 4594639  
FBI number A1AEAM9TT



**ATTACHMENT B**

**Description of Items to be Seized**

Buccal (oral) swabs of the inside of JOHNSON's mouth limited to the extent where sufficient samples of DNA are obtained.